

ORDINANCE NO. 952

AN ORDINANCE ESTABLISHING AND REGULATING THE  
CITY OF LODI EMERGENCY SERVICES COUNCIL AND  
REPEALING ORDINANCE NO. 642.

The City Council of the City of Lodi does ordain as follows:

Section 1. Purposes. The declared purposes of this ordinance are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons.

Section 2. Definition. As used in this ordinance, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war which conditions are ~~or~~ are likely ~~to~~ be beyond the control the the services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat. It shall not include nor does any provision of this ordinance apply to any condition relating to a labor controversy.

Section 3. Emergency Services Council Membership. The City of Lodi Emergency Services Council is hereby created and shall consist of the following:

- A. The Mayor who shall be the Chairman.
- B. The Director of Emergency Services who shall be Vice Chairman.
- C. The Coordinator of Emergency Services.
- D. All Chiefs of Emergency Services as are provided for in a current Emergency Services Operations Plan of this city, adopted pursuant to this ordinance.
- E. Such representatives of municipalities, civic, professional and industry organizations having an official responsibility as may be appointed by the Director with the advice and consent of the City Council.

Section 4. Emergency Services Council Powers and Duties.

It shall be the duty of the City of Lodi Emergency Services Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Emergency Services Council shall meet upon call of the Chairman, or in his absence from the City or inability to call such meeting, upon call of the Vice Chairman.

Section 5. Director and Coordinator of Emergency Services.

- A. There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.
- B. There is hereby created the office of Coordinator of Emergency Services. The Assistant City Manager shall be the Coordinator of Emergency Services.

Section 6. Power and Duties of the Director.

A. The Director is hereby empowered to:

1. Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within 7 days thereafter *or* the proclamation shall have no further force or effect.
2. Request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are considered to be inadequate to cope with the emergency.
3. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this ordinance.
4. Direct cooperation between and coordination of services and staff of the emergency organization of this city; and resolve questions of authority and responsibility that may arise between them.
5. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
6. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the Director is hereby empowered:

- a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;
- b. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use.
- c. To require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the city or the existence of a "state of war emergency," to command the aid of as many citizens of this city as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered emergency service workers;
- d. To requisition necessary personnel or material of any city department or agency; and
- e. To execute all of his ordinary power as City Manager, all of the special powers conferred upon him by this ordinance or by resolution or emergency plan pursuant hereto adopted by the

City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

B. The Director of Emergency Services shall be succeeded by the Coordinator of Emergency Services in the event that the Director is unavailable or unable to perform his duties during an emergency. In such order of succession the Coordinator shall assume all powers and duties as conferred heretofore upon the Director.

C. The Coordinator of Emergency Services shall, under the supervision of the Director and with the assistance of Emergency Service Chiefs, develop emergency plans and manage the emergency programs of this city; and shall have such other powers and duties as may be assigned by the Director.

Section 7. Emergency Organization. All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 6.A, 6c of this ordinance, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the City of Lodi.

Section 8. Emergency Plan. The City of Lodi Emergency Services Council shall be responsible for the development of the City of Lodi Emergency Operations Plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for

the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

Section 9. Expenditures. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Lodi.

Section 10. Punishment of Violations. It shall be a misdemeanor for any person, during a state of war emergency, state of emergency, or local emergency, to:

- A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof.
- C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

Section 11. Repeal of Conflicting Ordinances. Ordinance No. 642 is hereby repealed. It is further provided, however, that it is the intent of the City Council in enacting this ordinance so that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, and the status of volunteers shall not be

affected by such repeal; nor shall civil defense and disaster mutual aid plans and agreements, rules and regulations or resolutions adopted pursuant to such repealed ordinances be affected by such repeal until amended, modified, or superseded as provided in this ordinance.

Section 12. Effective Date. This ordinance shall become effective thirty (30) days from and after its passage.

Section 13. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

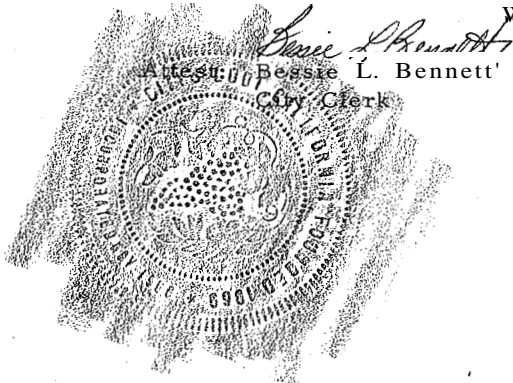
Section 14. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of a general circulation, printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage.

Approved this 2nd day of June, 1971

*Walter J. Katnich*

WALTER J. KATNICH, Mayor

*Bessie L. Bennett*  
Attest: Bessie L. Bennett  
City Clerk



State of California,

County of San Joaquin, ss.

I, Bessie L. Bennett, City Clerk of the City of Lodi, hereby certify that Ordinance No. 952 was introduced at a regular meeting of the City Council of the City of Lodi held May 19, 1971 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held June 2, 1971 by the following vote:

Ayes: Councilmen - EHRHARDT, HUGHES, KERSTEN,  
SCHAFFER and KATNICH

Noes: Councilmen - None

Absent: Councilmen - None

I further certify that Ordinance No. 952 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

